



Area Planning Committee (South and West)

Date Thursday 21 July 2016
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 23 June 2016 (Pages 1 - 2)
5. Applications to be determined
 - a) DM/16/01879/FPA - Ox Close Nursery School, Ox Close Crescent, Spennymoor (Pages 3 - 14)
Nursery extension (2 No. classrooms with associated hard landscaping)
 - b) DM/15/02770/FPA - Former Department Of Transport Storage Depot, Bowes, Barnard Castle (Pages 15 - 30)
Demolition of existing buildings and erection of 14 No. dwellings
 - c) DM/15/03564/FPA - Land To The West Of The Paddock, Sunnyside, Bishop Auckland (Pages 31 - 42)
Erection of 9 No. detached dwellings
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
13 July 2016

To: **The Members of the Area Planning Committee (South and West)**

Councillor H Nicholson (Chairman)
Councillor M Dixon (Vice-Chairman)

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson,
E Huntington, C Kay, S Morrison, A Patterson, G Richardson,
L Taylor, C Wilson and S Zair

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 23 June 2016 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson, J Gray, A Patterson, G Richardson, L Taylor, C Wilson and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors M Dixon and S Morrison.

2 Substitute Members

Councillor J Gray substituted for Councillor M Dixon.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 21 April 2016 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/15/03642/FPA - Former St Anne's School, Kingways, Bishop Auckland, Co Durham, DL14 7ER

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of buildings and erection of 18 no dwellings at the former St Anne's School, Kingsway, Bishop Auckland (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

A representative on behalf of the applicant addressed the Committee outlining the reasons for demolition as oppose to refurbishment of the building. The building had originally been purchased following an arson attack, with the intention of converting the existing building into flats. The applicant had secured the building by bricking up doorways and erecting fencing, however it was under constant threat of

vandalism. The applicant had consulted two Architects who had both confirmed that a substantial financial loss would be suffered if the existing building was converted. Considering the information from experts, the applicant had put forward a scheme which was sympathetic to the existing buildings. Although they would be demolished, stone would be reclaimed and used for the front of the proposed dwellings and therefore some of the character of the former buildings would be retained.

With reference to the response received from Bishop Auckland Civic Society, he refuted the claim that the condition of the buildings was a convenient excuse for demolition. He confirmed that there was no alternative viable option but to demolish the building. The buildings were a haven for vandals, there was an additional risk that there would be another arson attack and the building would end up beyond salvation.

Councillor Zair described the proposals as bittersweet. A historical building had reached a point of decay which was not as a result of the current owners, but due to vandalism, arson and lack of investment. The proposal to demolish and use the existing materials in building the new dwellings was a sensible approach and every effort had been made by the applicant to adhere to planning policies. He referred to the nearby Bishop Auckland Grammar School which had almost been destroyed by fire and confirmed that local residents had been living with the eyesore for many years. It was regrettable that the only way forward was to demolish the buildings, however it was the only sensible approach. He supported the plans and moved that the application be approved.

Councillor Davidson confirmed that upon seeing the drawings which were not included in the report, it was obvious that the applicant had taken every step to salvage the existing character. The plans submitted were similar to the existing building and a significant amount of material would be recycled for the new dwellings, he seconded that the application be approved.

Councillor Boyes referred to a former grade II listed school in Easington Colliery which had been derelict for twenty years, which was beyond restoration. Although this building was not listed, it was a similar situation in terms of dereliction and the opportunity for the site to be developed should not be missed. He supported the application for approval.

Councillor Clare considered that the building in its current state was beyond preservation and it would not be feasible to either repair or preserve it, regardless of the sentiment attached.

Upon a vote being taken it was **Resolved:**

That the application be approved on the grounds as outlined in the report.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01879/FPA
FULL APPLICATION DESCRIPTION:	Nursery extension (2no. classrooms with associated hard landscaping)
NAME OF APPLICANT:	Mrs J Smith
ADDRESS:	Ox Close Nursery School, Ox Close Crescent, Spennymoor, Co Durham
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to Ox Close Nursery School, located to the west of Ox Close Crescent, Spennymoor. The school is enclosed by private playing fields and yard areas to the north and west and shares the site with Ox Close Primary School to the immediate south.
2. Vehicular access to the site is secured via a driveway to the immediate south east of the Nursery building which links with Ox Close Crescent to the east. This drive is also utilised by Ox Close Primary School. Pedestrian access to the site can be secured along this driveway or directly from the aforementioned footpath to the east.
3. The proposals involve the erection of a single storey flat roof extension to the southern end of the nursery building, comprising 2no. classrooms, secondary classroom space and WC facilities. The extension would occupy part of an area of existing yard space and would include a small extension of this yard to the south.
4. Vehicular access to the site from Ox Close Crescent to the south east would remain unchanged although an additional 3no. off-street parking spaces would be provided adjacent to the nursery.
5. The proposed extension is required as a result of an increased demand for Nursery places. An additional 16no. pupils are expected, taking maximum pupil capacity from 78no. up to 94 no. pupils. The required staff level for the nursery once extended would be 3no. full-time staff and 8no. part-time staff. This represents a slight increase from the existing 3no. full time staff and 5no. part time staff.
6. Subject to the receipt of necessary approvals it is intended to provide the additional accommodation and facilities by September 2016.
7. This application is being reported to the Planning Committee in accordance with the Councils Scheme of Delegation following a request from Cllr Kevin Thompson who has

expressed concerns over the impact of the proposed works on traffic/highway safety in the surrounding area.

PLANNING HISTORY

8. There have been a number of planning applications on the Nursery School site over the years, although there is no planning history directly relevant to the current application.

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
11. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
12. *Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
15. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

LOCAL PLAN POLICY:

16. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
17. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
18. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
19. *Policy E15 - Safeguarding of Woodlands, Trees and Hedgerows* - expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
20. *Policy H18 – Acceptable uses within housing areas* – permits community facilities in housing areas where they do not significantly harm the living conditions for nearby residents and where they are appropriate in scale to the character of the housing area.
21. *Policy L11 – Development of new or improved leisure and community buildings* – supports improvements to existing community facilities providing no resulting harm to the living conditions of nearby residents, development is appropriate in location to the scale and character of the surrounding area, and adequate provision for car parking and access is provided.

RELEVANT EMERGING POLICY:

The County Durham Plan

22. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. *Spennymoor Town Council* – Has no objections to the proposals but acknowledge that there are significant parking issues around Ox Close and express a desire to work closely with Durham County Council to resolve these issues.
24. *The Highway Authority* – Has no objections to the proposals from a highways point of view
25. *The Coal Authority* – Has no objections, subject to the imposition of a condition concurring with the recommendations of the Coal Mining Risk Assessment submitted in support of the application.
26. *Sport England* – Identify that the proposed development does not fall within the statutory remit for this consultee.

INTERNAL CONSULTEE RESPONSES:

27. *Arboriculture Section* – Identify that some existing vegetation close to the nursery building could be compromised during construction. It is recommended that these trees be protected throughout the course of development.
28. *Drainage Section* – Offer no comment regarding flood risk associated with this development. Any surface water discharge should be dealt with in accordance with The Building Regulations 2010.
29. *Ecology Section* – Raise no objections. Any tree works should be carried out outside of the bird breeding season.
30. *Noise Action Team* – Raise no objections in terms of the potential of the development to cause a statutory nuisance, as defined by the Environmental Protection Act 1990, subject to sensitive site operations. Such details can be referred to by informative.
31. *Contaminated Land* – Recommend that as this development constitutes a change of use to a more sensitive receptor, any approval should be subject to a condition ensuring the submission of a scheme to deal with contamination.

PUBLIC RESPONSES:

32. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. No responses have been received in response to this consultation and publicity exercise.

APPLICANTS STATEMENT:

33. The proposed Nursery extension is required as a result of an increased demand for Nursery places with an expected 16no. additional pupils, taking maximum pupil capacity up to 94 no. pupils. The required staff designated for the nursery once extended would be 3no. full-time staff and 8no. part-time staff.
34. The new room is to rehouse existing children on roll to release a current existing classroom for 8no. new two year olds. The other teaching room is also for existing children, giving them a quiet space and designated room to develop speech and

language. Where the room is to be split in two, this will be space used for existing children on roll to give them the opportunity for small group support.

35. Regarding the issue of traffic problems outside of the school gates, start/end times will be staggered to minimise disruption.
36. The proposed extension would be in keeping with the existing building to ensure the external aesthetics are fluent. Internal fixtures, fittings and decorations will also closely match the existing to ensure the children feel comfortable in both the new and old building.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

37. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, scale/design of the proposed development, impact on neighbouring amenities, highway safety, arboriculture impact, ecological impact and coal mining legacy.

The principle of the development:

38. The overarching principles of the NPPF seek to secure sustainable development in sustainable locations. Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependant.
39. The application site is an established Nursery School located within the Spennymoor residential settlement, immediately adjacent to Ox Close Primary School. The proposed works would see an increase in the level of classroom provision to cater for increased pupil numbers. The nursery is located within an accessible and sustainable location close to the Town Centre and neighbouring residential areas. As such the proposed development is considered acceptable in principle in accordance with Policies H18 and L11 of the existing local plan and the sustainability principles of the NPPF, subject to adherence to other material planning considerations.

Scale/Design:

40. Part 7 of the NPPF and saved policies L11 and D1 of the Sedgefield Borough Local Plan together seek to ensure good design in new community related developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent development and the local setting of the site.
41. The proposed works would comprise a classroom extension to the existing nursery building, measuring 9.5m x 9.3m and 2.5m in single storey, flat roof height. This extension would attach directly to the south of the existing nursery structure, being slightly subordinate in height, respecting the existing flat roof design. Materials to be used would comprise brown facing brickwork with felt roof sympathetic to the existing nursery building adjacent.

42. The proposed extension would therefore be of a scale, design and massing which respects the existing nursery building, not appearing out of place in its surroundings, occupying a small area of enclosed yard space adjacent to the access road serving the site and Ox Close Primary School.
43. This application is considered to satisfy the provision of Part 7 of the NPPF and saved policies L11 and D1 of the Sedgefield Borough local Plan.

Impact on neighbouring amenities:

44. Saved policies H18, L11 and D1 of the Sedgefield Borough Local Plan together seek to ensure that new developments take account of a sites relationship to adjacent land uses and activities. Development of this nature must not be seen to significantly harm the living conditions for nearby residents.
45. The proposed nursery extension would be constructed to the south of the existing Nursery school building. The closest residential properties are located on Mayfields some 36m to the north east and Ox Close Crescent 65m to the east. The development would be substantially screened from neighbours by intervening buildings and landscaping on land around the site. It is therefore considered that the development is sufficiently separated and screened from residential properties not to result in any adverse residential amenity impacts in that regard.
46. The proposed development would result in a small increase in classroom numbers but this nursery has coexisted with neighbouring residential opportunities for some time, with the nursery to operate only during daytime hours. As such there would be negligible impact on the residential amenity of the nearest residential properties with the application considered to satisfy the provisions of saved policies H18, L11 and D1.

Highway safety:

47. Saved policies L11 and D3 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide for a satisfactory means of access and parking provision showing regard to the number and type of vehicles using the development. Improvements to existing community facilities should be encouraged where they ensure provision for car parking and access. Part 4 of the NPPF highlights a need for new developments which may generate a significant increase in vehicle movements to achieve a safe and suitable access. New developments should minimise conflicts between traffic and cyclists or pedestrians.
48. Highway safety concerns have been raised by a local member concerning existing traffic/congestions problems on Ox Close Crescent caused by users of the school and nursery site. These concerns have been acknowledged by the Town Council which does not object to the application but expresses its desire to address these issues with the County Council.
49. The proposed extension would result in an expected 16no. additional pupils (taking maximum pupil capacity up to 94 no. pupils), with a resulting 3no. full-time staff and 8no. part-time staff. There are currently 6no. on-site parking spaces serving this nursery site including 1no. disabled space. The maximum permitted number of on-site car parking spaces in relation to the 94no. pupils, 3no. full time staff and 8no. part time staff is 9no.
50. In view of some concerns raised with regards to the impact of off-site car parking relating to this site and the neighbouring Primary School site, the highway authority request that the full 9no. spaces be achieved, with an additional 3no. spaces to be

provided on site. Plans have been amended to this effect, showing 3no. additional parking bays adjacent to the nursery building served from the main site access. These spaces would occupy an area of incidental grassland containing 2no. trees adjacent to the proposed nursery extension and it is recommended that a condition to be included requiring these spaces to be provided prior to the first occupation of the nursery extension.

51. Whilst it is acknowledged that use of the nursery and adjacent school in combination with residential parking demand does result in congestion on the surrounding highway network at busy times, particularly on Ox Close Crescent, this is an existing situation, which the proposed development would not significantly effect. The highway authority are satisfied with the applicants attempts to improve on-site parking provision for staff and to help mitigate the existing congestion problems. Subject to the imposition of a condition to secure the delivery of the additional 3no. on-site parking places, there are no highway objections to these proposals, with this application considered to satisfy the provisions of the NPPF and saved policies L11 and D3 of the Sedgefield Borough local Plan.
52. Section 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst there would be additional vehicular traffic associated with the proposals at the dropping off/picking up times, it would be very difficult to demonstrate that the cumulative impact of the development would be severe in this instance.

Arboricultural impact:

53. Saved Local Plan Policy E15 seeks to ensure that new developments retain areas of woodland, important groups of trees, copses and hedgerows wherever possible, replacing any trees which are lost.
54. The proposed works would occupy an area of existing enclosed yard space to the south of the nursery building. A small amount of vegetation is planted along the walled enclosure of this yard area which would be lost to facilitate the minor extension of this yard area. This vegetation is not protected and could be removed at any time.
55. Outside of the enclosed yard to the east are 2no. trees which would also be removed to facilitate the proposed works. Arboricultural officers consider one of these trees (a beech) to be an attractive feature when accessing the site from the south and east with its retention desirable. However this tree is not protected and its removal would secure much need on-site parking provision which in turn could help alleviate parking concerns on the adjacent Ox Close Crescent. On balance, although regrettable, the harm arising from the loss of this tree is far outweighed by the overall benefits of the scheme in terms of highway safety improvements through the provision of 3no. additional on-site parking spaces.
56. In order to help mitigate the loss of existing on site vegetation, approval is recommended subject to a condition requiring replacement planting around the site. Subject to adherence to this condition, this application would be considered to satisfy the provisions of Parts 7 and 11 of the NPPF and saved policy E15 of the Sedgefield Borough Local Plan.

Ecology:

57. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. Prior to submitting the application, the applicant has discussed the proposed works with officers from the

Councils Ecology section who advise the existing building presents a very low bat risk due to its construction. If the adjacent Beech tree is to be felled, this should be felled outside of the bird breeding season or subject to a check for breeding birds by a qualified ecologist. Subject to the above, no objections are raised with the application considered to satisfy the provisions of Part 11 of the NPPF with respect to impact on protected species and local ecology.

Coal Mining:

58. Part 11 of the NPPF seeks to ensure that new development is appropriate for its location, preventing unacceptable risk from pollution and land instability. The application site falls within a defined development high risk area where there may be coal mining features and hazards which could impact the proposed development. The application has been submitted alongside a Coal Mining Risk Assessment (July 2016) which recommends that intrusive site investigations are carried out in order to establish the exact situation in respect of coal mining legacy. The report also recommends that gas monitoring is carried out during these works. The Coal Authority raises no objections to the proposed works subject to the imposition of a condition concurring with the outcomes of this report.

CONCLUSION

59. The principle of extending this existing nursery site to provide additional classrooms is considered acceptable given its sustainable location within the heart of an existing residential area and existing Nursery school grounds. Careful consideration has been given to the scale and design of the proposed development, its relationship to surrounding residential uses, highway safety implications, ecological impacts, arboricultural constraints and coal mining legacy in the area. Consideration has also been given to the issues and concerns expressed by a local member and the Town Council with regard to highway safety and congestion in the surrounding area with it acknowledged that there are some existing difficulties. However, on balance, the benefits of this scheme which would include the provision of 3no. additional on-site parking spaces, are considered to outweigh the concerns raised. In view of the foregoing this application is recommended for approval subject to the imposition of suitable planning conditions.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. Time limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approved plans

The development hereby approved shall be carried out in strict accordance with the following approved plans:

(00)2 General proposed drawing, received 09 June 2016

(00)3C Proposed site plan, received 11 July 2016

Reason: To define the consent and for the avoidance of doubt in the interests of proper planning.

3. Materials to match

Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing nursery school building in terms of colour, texture and size.

Reason: In the interests of the appearance of the area and to comply with Policy D1 of the Sedgfield Borough Local Plan.

4. Parking spaces

The extension hereby approved shall not be brought into use until the 3no. additional on-site parking spaces as detailed in approved plan ref: (00)3B Site plan, received 11 July 2016 have been provided.

Reason: To alleviate parking concerns in the area in accordance with saved policy D3 of the Sedgfield Borough Local Plan.

5. Landscape details

No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, replacement planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the visual amenity of the area and to comply with policies E15 and D1 of the Sedgfield Borough Local Plan.

6. Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the area and to comply with policies E15 and D1 of the Sedgfield Borough Local Plan.

7. Contaminated land

No development shall commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

(a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall

be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

8. Coal mining

No development shall commence until each of the following has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Coal Authority:

The submission of a scheme of intrusive site investigations for approval;
The undertaking of that scheme of intrusive site investigations;
The submission of a report of findings arising from the intrusive site investigations;
The submission of a scheme of remedial works for approval; and
Implementation of those remedial works.

Reason: The application site falls within a coal mining high risk area. The Coal Authority concurs with the recommendations of the submitted Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

9. Tree works

Any tree felling must take place outside the bird breeding season (March to end of August).

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. All concerns raised during the consultation and publicity period were forwarded to the applicant and satisfactorily resolved during the statutory determination period.

BACKGROUND PAPERS

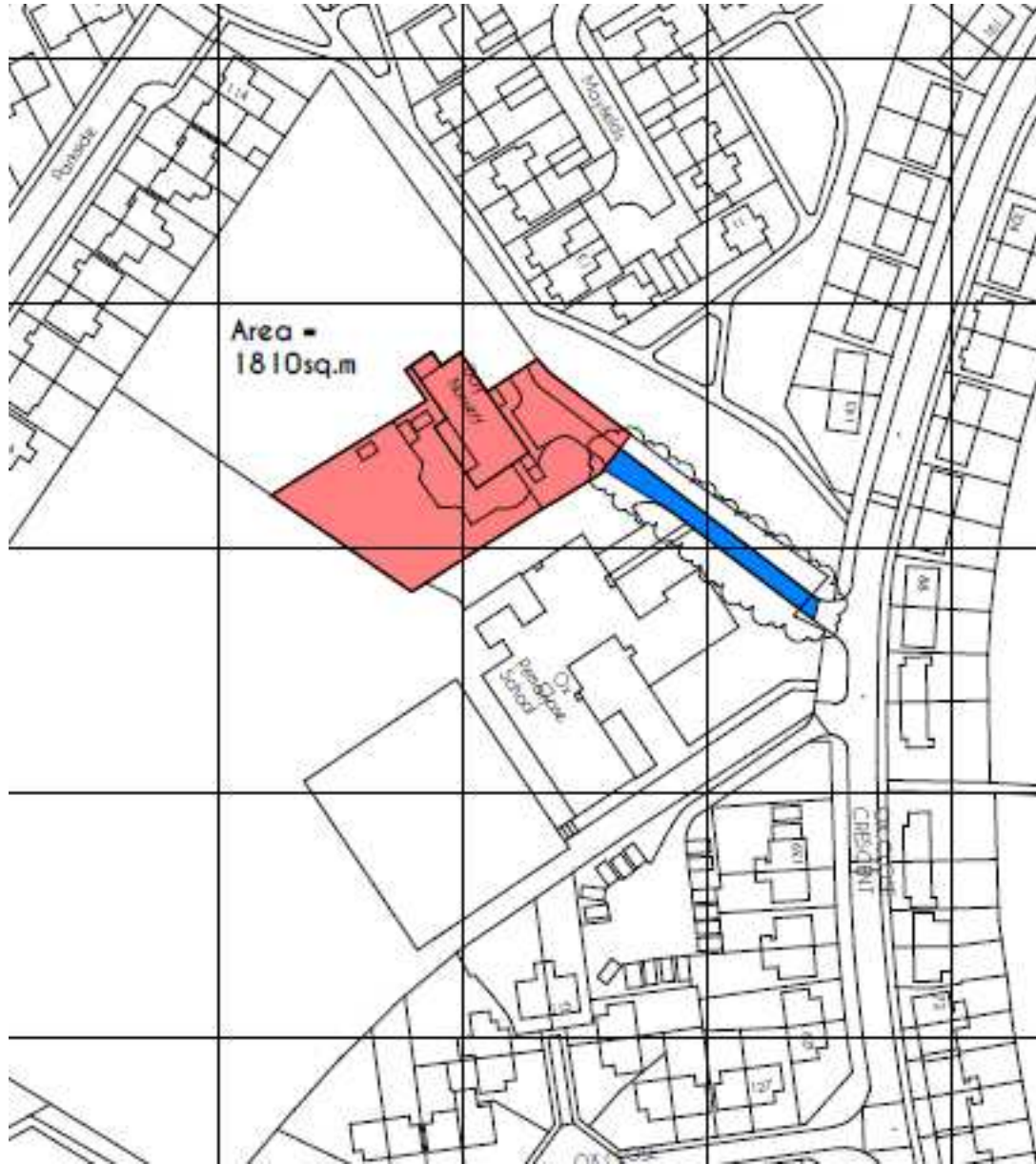
Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

Statutory responses from the Highway Authority and The Coal Authority

Internal responses from Landscape/Arboriculture, Drainage, Ecology, Environmental Health (Noise) and Contaminated Land.



Planning Services

Nursery extension (2no. classrooms with associated hard landscaping)

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Comments

Date 21 July 2016

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/15/02770/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing buildings and erection of 14 No. dwellings
NAME OF APPLICANT:	Mr James Harker
ADDRESS:	Former Department Of Transport Storage Depot Bowes Barnard Castle Co Durham DL12 9HT
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is the former department of transport storage depot which sits on the eastern side of Bowes. The site is now redundant in relation to its previous use and hosts various buildings previously used for equipment storage along with large areas of hardstanding. The site sits in a prominent location on the approach to Bowes from the North, with the C163 road running immediately to the east of the site. In a wider context 'The Street' runs to the south of the site while the A66 runs to the north. The site sits within Bowes Conservation Area and within an area of High Landscape Value. The Grade II listed Bowes Hall sits to the south east of the application site while further listed properties sit to the south side of the The Street, close to the development site. The site was allocated for industrial development in the Teesdale Local Plan.
2. The application proposes the demolition of four existing buildings on the site and erection of 14 dwellings, which would consist of four detached, 8 terraced properties and two semi-detached properties. All properties would have 3 bedrooms. The scheme for consideration has evolved significantly from the initial submission.
3. The application is reported to the Planning Committee as it constitutes major development.

PLANNING HISTORY

4. There is no recent relevant planning history at the site.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
6. *NPPF Part 4 – Promoting sustainable Transport.* The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
7. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
8. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
9. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
10. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

11. NPPF Part 12 – Conserving and Enhancing the Historic Environment. States that heritage need to be recognised as an irreplaceable resource and to be conserved in a manner appropriate to their significance.

The above represents a summary of those policies considered most relevant in the Development Plan

LOCAL PLAN POLICY:

12. The following policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
13. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
14. *Policy ENV3: Development Within or Adjacent to an Area of High Landscape Value*
The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
15. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
16. *Policy BENV4: Development within and / or adjoining Conservation Areas*
Development within conservation areas will only be permitted provided that among other things the proposal respects the character of the area and does not generate excessive environmental problems which would be detrimental to the character and appearance of the conservation area.
17. *Policy BENV11: Archaeological Interest Sites:* Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved. Developments which affect sites of regional or local importance will only be approved where the applicant has secured a scheme of works which will in the first instance preserve archaeological remains in situ or where this is not possible by excavation and record.
18. *Policy H1A: Open Spaces Within Developments* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development. Where there is an identified deficiency and it is considered appropriate, the council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and

recreation/leisure facilities to serve the development in accordance with housing design policies in the plan.

19. *Policy H4: Infill Development On Sites Of Less Than 0.4 Hectare.* Small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of the settlements listed below. Proposals should satisfy the criteria contained in policy gd1. Tandem development will not be permitted. Backland. Development will only be permitted where it would not cause unacceptable harm to the privacy or overall residential amenity of the occupants of neighbouring dwellings, and an adequate and safe access can be provided.
20. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.
21. *Policy H14: Provision Of Affordable Housing Within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.
22. *Policy ECON1: Availability of Industrial Land:* Land is allocated for business, general industrial or storage and distribution classes B1, B2 and B8.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan -

23. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Bowes Parish Council:* Initially expressed concerns that there were too many access points onto the road when individual driveways were proposed, and expressed concerns over potential parking restrictions on the road and in relation to potential

additional access road should land to the north of the site ever be developed. Concerns expressed over culvert at the application site. Updated comments were received 19th of June stating that most of the problems previously cited have been addressed through the submission of the amended plans.

25. *Highway Authority*: no objections.

26. *Northumbrian Water*: No objections, drainage condition requested.

INTERNAL CONSULTEE RESPONSES:

27. *Landscape Section*: No objection.

28. *Tree Officer*: No objections, subject to condition requiring installation of tree protection measures prior to the commencement of development.

29. *Design and Conservation*: No objections. Given the condition and appearance of the existing site and the harm it causes to the setting of adjacent assets and the character and appearance of the conservation area the current scheme will be broadly positive and will cause no harm to any designated assets or their setting.

30. *Environmental Health (Noise)*: No objection. Note the close presence of A66 to north and potential noise impact. Condition recommended to provide mitigation.

31. *Environmental Health (Contaminated Land)*: No objection, phase 2 site investigation required.

32. *Ecology*: No objection. The Method Statement detailed in Section 9 of the report should be conditioned in order to address any residual risk of impact.

33. *Archaeology*: No objections subject to the conditioning of a scheme of archaeological investigation.

34. *Affordable Housing*: There is a requirement of 15% affordable housing within the West of the county and this would equate to 2 units. We would be happy to see these delivered as either affordable rent if an RP partner can be secured or as Discount Market Sale units.

PUBLIC RESPONSES:

35. The application has been publicised by way of site notice, press notice and neighbour letters. Letters of concern/objection from 7 addresses were received in relation to the original scheme with concerns and objections relating to issues such as plan layout and form, number of accesses to the main road, inappropriate built form and style, type and design of houses, development would not create a sense of place, too many houses already for sale in the village, the area has archaeological interest, concern over housing in this location due to lack of services and jobs, concern surrounding impact on the Conservation Area. Concern was expressed that the development did not cater to the needs of older people as bungalows were not proposed as part of the development. Support was however offered by some in relation to the principle of developing the redundant site.

36. A reconsultation was made following the submission of an amended scheme. There were letters of concern from only two addresses following this second consultation. Concerns were expressed in relation to the proximity of plot 1 to Rose Cottage which sits immediately to the south of the site. Concerns expressed about

access to maintain the rear of Rose Cottage and in relation to ownership of boundary walls. Concern is expressed about temporary traveller camps close to the site and sewage capacity at the local treatment works. Concern is expressed in relation to the height of the proposed buildings. Further concerns have been noted in that it is suggested that the four road entries could be further reduced. It is suggested that the scheme does not represent the true village vernacular and that the group of houses at the north side of the development reflects more of a suburban arrangement.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/>

APPLICANTS STATEMENT:

37. The application site comprises the former Council highways depot, on the northern side of Bowes, which at present is untidy, of no architectural merit and detracts from the local area and conservation area. The proposed development seeks to improve this by providing an attractive entrance to the village.
38. Careful thought and consideration has been given to the design of the proposed dwellings not simply to improve the character of the site but to reflect the existing traditional residential development of the area and enhance the overall appearance of the village. The attention to detail on the scheme has ensured a positive impact on the conservation area.
39. We have been working proactively with Durham County Council to address matters such as highways and design, and to achieve a scheme which all parties are happy with. We support the officer's recommendation for approval and are confident that the development would make a positive contribution to the settlement of Bowes.

PLANNING CONSIDERATIONS AND ASSESSMENT

40. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to principle of development, impact on character and appearance of area, highway safety and other issues.

Principle of development

41. The NPPF is an important material consideration. As a general principle there is support for reuse of previously developed land. Section 6 of the NPPF seeks to significantly boost the supply of housing. Local planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised.
42. The application site sits within the settlement boundary of Bowes as identified within the Teesdale Local Plan. The Development is therefore in accordance with Teesdale Local Plan Policy H4 which seeks to encourage appropriate housing development on previously developed sites within Bowes.

43. However, the housing policies of the Teesdale Local Plan are significantly out of date and there are no other up to date housing policies. Policy H4 cannot therefore be afforded any weight. In these circumstances the NPPF advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
44. The main purpose of the NPPF is to achieve sustainable development. Although Bowes is classed as a Tier 5 settlement, it does have a limited range of services including a primary school, public house/hotel and post office. A modest level of residential development would support existing services.
45. In addition, the dwellings would occupy a previously developed site which is now redundant and detracts from the character and appearance of the conservation area. The reuse of previously developed land is supported in the NPPF and the removal of the existing unsightly buildings and hardstanding areas would have a strong environmental benefit. This matter should be afforded significant weight in the decision making process.
46. There would also be some economic benefit through employment during the construction period and economic and social contribution to the local community from the provision of new family dwellings.
47. The allocation of the site for industry in the Teesdale Local Plan dates back to the late 1990's and no industrial use proposals have come forward in that considerable period of time. This indicates a lack of demand. This was recognised in the Councils' recently conducted Employment Land Review and as a result the industrial allocation was not going to be carried forward into the County Durham Plan (CDP). Although the CDP is currently being given no weight, the Employment Land Review represents an up to date evidence base and site circumstances have clearly changed since the site was allocated for industry. Taking all this into account it is considered that the site's industrial allocation within the Teesdale Local Plan is considerably out of date and there is little prospect of the site being used for that purpose. In accordance with NPPF paragraph 22 it is therefore appropriate to consider the site for housing purposes.
48. Having regard to all of the above, it is considered that the principle of housing development represents an acceptable use of the site and accords with the aims of the NPPF.

Impact on the character and appearance of the area

49. The site lies within the Bowes conservation area, an Area of High Landscape Value (AHLV), and the setting of the Grade II Listed Bowes Hall where issues of design and scale are important. The site is prominent on the approach into the village.
50. Part 7 of the NPPF outlines that the government attaches great importance to the design of the built environment. It is noted that good design is a key aspect of sustainable development. Appropriate standards of design are also required through Teesdale Local Plan policies GD1 and H12. Policy ENV3 is permissive of development within the AHLV providing attention is paid to the landscape qualities of the area in siting and design of the proposals. Policy BENV4 contains design criteria in respect of development within or adjoining conservation areas.

51. A conservation area is a designated heritage asset. Part 12 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset (in this case Bowes Conservation Area and encompassed listed buildings), great weight should be given to the asset's conservation. The NPPF advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
52. Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 Act states that with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the above act states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
53. The existing buildings on the site are functional modern buildings from the previous use of the site as a highways depot. They have no historic interest and do not make a positive contribution to the amenity of the area. The site as a whole is disused and in its current state has a negative impact upon the character and appearance of the Conservation Area and AHLV. Accordingly, there is no merit in retention or reuse of the existing buildings and their loss would not result in any harm to the significance of the designated heritage asset.
54. The proposed scheme of redevelopment has been significantly altered in design and form from the original plans. The design of the dwellings has been altered to be more sympathetic to the wider built form in Bowes. Semi-detached properties have been omitted in favour of terraced dwellings to the centre of the site with private driveways omitted in favour of parking courts. The amount of accesses onto the road through the surrounding stone wall has reduced retaining more of the boundary wall, which is the only positive existing feature the site currently offers to the Conservation Area. The Design and Conservation Section have no objection.
55. No significant issues in relation to residential amenity are raised. The closest residential property is Rose Cottage, which sits to the south of the site. Outlook from the rear of this property would not be worsened as the proposed dwelling at plot 1 would be built further away from the elevation than the existing building which sits almost immediately to its rear with a blank south facing side elevation which would respect privacy at Rose Cottage.
56. Eleven trees sit close to the western boundary of the site. The application will require the felling of 3x Ash Trees and a Sycamore Tree. This would allow the majority of trees to be retained at the site which would benefit the site in terms of visual amenity. Trees behind plots 6-9 would be protected through the provision of slightly raised rear gardens due to level differences on this part of the site. The Landscape and Tree Sections have no objections in this respect.
57. Subject to conditions requiring details of materials to be agreed (which would be expected to consist largely of stone walls with slate roofs reflective of local materials), the design, scale and layout of the proposed dwellings, would be appropriate. Given the condition and appearance of the existing site and the harm it causes to the setting of adjacent assets and the character and appearance of the conservation area, the current scheme will have a positive impact on the character and appearance of the Conservation Area and would not cause harm to any designated assets or their setting, including the setting of nearby listed buildings as

a result of the appropriate design and set off distances involved. The development would also be read as part of the established townscape and would not detract from the special character of the Area of High Landscape Value. The Design and Conservation and Landscape Section have offered no objections to the application.

58. Taking all of the above into account, and having regards to the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed redevelopment of this brownfield site would be accommodated on the site in a manner which would be sensitive to the Conservation Area and AHLV. The development would accord with the design and heritage aims of the NPPF, and Teesdale Local Plan Policies GD1, H12, ENV3 and BENV4. The development would enhance the character and appearance of the Conservation Area and would not detract from the setting of nearby listed buildings.

Highways

59. The Highways Authority have raised no objections to the development, which provides a suitable level of off street parking within the development site and limits the number of access points onto the C163 road. The site was already subject to vehicular use as a depot and the proposed redevelopment would not generate unacceptable levels of traffic on the local road network.
60. The NPPF at Part 4 notes that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Such impacts are not identified in this instance.
61. On this basis and given the acceptance of the scheme by the highways authority, it is considered that the proposed development would not be prejudicial to highway safety or use of the public right of way. The proposal does not therefore conflict with Teesdale Local Plan Policy GD1 and NPPF Part 4.

Other Issues

62. In line with Policy H14 of the Teesdale Local Plan and up to date housing evidence base a minimum of 15% Affordable Housing would be required on the site. The applicant proposes to offer two units at discount market sale. The exact level of price reduction would depend on the final valuation, with a discount price to be secured through a section 106 agreement. The requirements of Policy H14 are therefore satisfied within the application subject to completion of a s106 agreement.
63. Policy H1A seeks the provision of open space within developments of 10 or more dwellings. Where this cannot be met on site a financial contribution is generally made towards the provision, upkeep or maintenance of open space within the local area. No open space is provided within the development and no financial contributions in relation to open space are proposed as part of this application as the applicant claims this will make the development unviable. The proposal is therefore in conflict with policy H1A. However, it is noted that there is an existing play area less than 100m to the south and the Council's Open Space Needs Assessment does not identify a shortfall of play, sport and amenity space in the area. It is accepted that as a brownfield site the development will be subject to remediation costs in addition to costs of affordable housing provision. The Planning Practice Guidance states that to incentivise the bringing back into use of brownfield sites, local planning authorities should take a flexible approach in seeking planning obligations and other contributions to ensure the combined impact does not make a site unviable. In this case the scheme will deliver other important benefits

through redevelopment of a redundant brownfield site in the conservation area, affordable housing and contributing to general housing supply. In the absence of a pressing need for open space/play provision in the area the benefits of the scheme are considered to outweigh the conflict with policy H1A.

64. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England. An ecology assessment has been submitted alongside the application. Most of the buildings on site were assessed as having a low risk of supporting bats. The stone fronted building has a higher risk of bats being present and precautionary working methods are recommended within the ecology report and these recommendations are conditioned within the application. An EPS license from Natural England is not required. There is no objection from the Ecology Section.
65. The site has been identified as being of Archaeological interest and evaluation trenching has been carried out in accordance with the recommendations of the Archaeology section. The trenching has demonstrated that whilst the site has suffered some disturbance through previous use, deposits dating to the Roman period do survive where the site is less disturbed. A scheme of archaeological recording has therefore been recommended and this is conditioned within the application.
66. The application was accompanied by a site investigation to examine potential for contamination arising from current and previous uses of the site. A phase 2 investigation is recommended to provide further gas monitoring, chemical testing, fuel tank investigation and asbestos survey. The Contaminated Land Section agrees with the recommendations of the site investigation report and is satisfied that the matter can be dealt with by condition to satisfy the requirements of NPPF Part 11.
67. Foul and surface water drainage can be dealt with by condition, as recommended by Northumbrian Water.

CONCLUSION

68. The development represents a sustainable and modest development that would support the limited range of services available within Bowes while improving the character and appearance of the Conservation Area through the use of a previously developed site in a prominent location within the Village. There is no justification for continued retention of the site for industrial purposes.
69. The proposal accords with the aims of the NPPF and policies GD1, H12, ENV3 and BENV4, ENV8, BENV11 and H14 of the Teesdale Local Plan.

RECOMMENDATION

That the application be **APPROVED** subject to the conclusion of a section 106 agreement to secure 15% affordable housing (2 units) at discount market price at the site and the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

R15/187/002

R15/187/003

R15/187/004

R15/187/005

R15/187/006

R15/187/007

R15/187/008

R15/187/009

R15/187/010

R15/187/011

R15/187/012

R15/187/013

R15/187/014

R15/187/015

R15/187/016

R15/187/017

R15/187/018

R15/187/019

R15/187/020

R15/187/021

R15/187/022

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R15/187/025

R15/187/026

R15/187/027

R15/187/028

R15/187/029

R15/187/030

R15/187/031 Revision 006 all received 21st June 2016.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF Parts 4, 6, 7, 10, 11 and 12 and Teesdale Local Plan Policies GD1, ENV3, ENV8, BENV14, BENV11, H4, H12 and H14.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling and roofing materials and hard landscaping materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policy GD1 and BENV4 of the Teesdale Local Plan.

4. Development shall not commence until a sample panel of any stone and pointing to be used in the construction of the dwellings has been erected on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be retained for reference on site throughout construction and the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies GD1, ENV3 and BENV 4 of the Teesdale Local Plan. The details are required before commencement as the external appearance of the materials are fundamental to preserve the character and appearance of the Conservation Area and relate to matters at the start of the development process.

5. Notwithstanding details shown in the submitted plans, prior to the installation of any fenestration, the details for all doors and windows including roof lights and heads and cills shall be provided to and agreed in writing by the Local Planning Authority. All windows and doors shall be recessed at least 75mm from the face of the building. The development shall be undertaken and retained in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies GD1, ENV3 and BENV 4 of the Teesdale Local Plan.

6. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities and numbers of planting.

Reason: In the interests of visual amenity having regards to Policies GD1, ENV3 and BENV4 of the Teesdale Local Plan. The details are required before commencement as the landscaping of the site is fundamental to the appearance of the area.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of each dwelling to which it relates and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure satisfactory implementation of the agreed details in the interests of the amenity of the area and Policies GD1, ENV3 and BENV4 of the Teesdale Local Plan.

8. No development shall take place unless in accordance with the mitigation detailed within Part 9 of Ecological Assessment: Bowes Salt Depot 2015 by MAB Environment and Ecology Ltd dated July 2015.

Reason: To conserve protected species and their habitat in accordance with Policies GD1 and ENV8 of the Teesdale Local Plan.

9. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following.

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

- (c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

10. No development shall take place until the applicant, or their agent or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: To comply with saved policy BENV11 of the Teesdale Local Plan and para. 135 and 141 of the NPPF as the site may contain features of archaeological importance.

11. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

12. No development shall take place until a scheme for protecting the future occupiers of the dwellings from noise from the A66 has been submitted to and approved in writing by the Local planning authority. All works which form part of the scheme shall be completed before the occupation of each individual dwelling.

Reason: In order to prevent noise disturbance in accordance with Policy GD1 of the Teesdale Local Plan.

13. No development shall take place until an Arboricultural Method Statement to be approved in writing which shall include details of the location and type of tree protection fencing in line with BS5837 or an equivalent has been submitted to and approved in writing by the Local Planning Authority. The agreed tree protection shall be erected before development commences and retained throughout the construction period.

Reason: To minimise the impact of the development upon existing mature trees in accordance with Policy GD1, BENV4 and ENV3 of the Teesdale District Local Plan 2002. The details are required at the start of the development process as they relate to fundamental issues relating to tree protection which have important implications for the character and appearance of the area.

14. Prior to their installation, details of all means of enclosure including retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate and shall be retained for the lifetime of the development.

Reason: In the interests of the appearance of the area and to comply with Policy GD1, BENV4 and ENV3 of the Teesdale District Local Plan.

15. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy GD1 of the Teesdale District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The use of pre commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process.

BACKGROUND PAPERS

Submitted application form, plans supporting documents

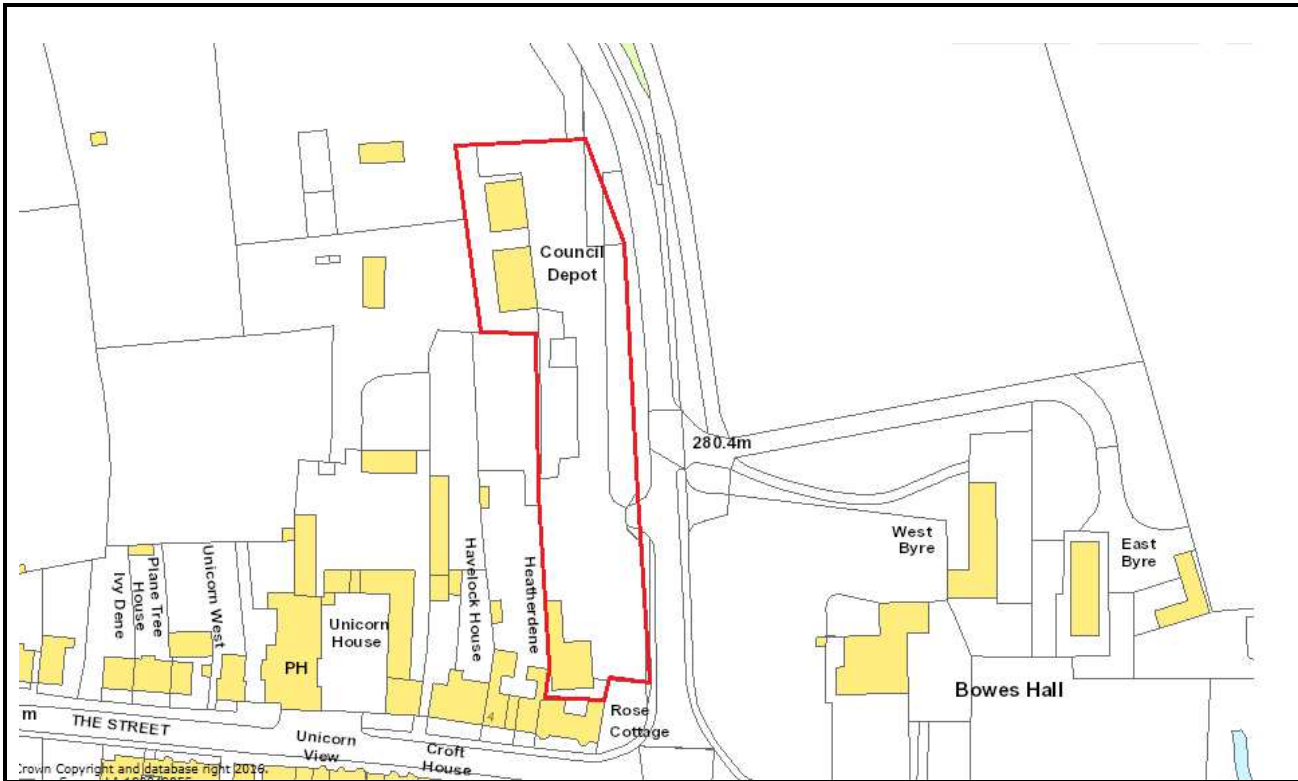
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Teesdale Local Plan

County Durham Settlement Study 2012

All consultation responses received



Planning Services

Erection of 14 No. dwellings, with associated ancillary development

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21st July 2016

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/15/03564/FPA
FULL APPLICATION DESCRIPTION: Erection of 9 No. detached dwellings
NAME OF APPLICANTS: S.Taylor, J Meighan S.Hunter , J.Hunter

ADDRESS: Land To The West Of
The Paddock
Sunniside
Bishop Auckland
County Durham
DL13 4LW

ELECTORAL DIVISION: Tow Law

CASE OFFICER: Tim Burnham Senior Planning Officer 03000 263963
tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is a parcel of greenfield land, which sits on the western edge of Sunniside, immediately to the west of The Paddocks residential estate. The application site is sandwiched by two roads, the B6299 Front Street to the south and the unclassified road to the north which serves Gladstone Terrace. The application site sits on the exposed western fringes of Sunniside and is bounded by a well-established hedgerow to the north and south.
2. The application proposes the erection of 9no. four bedroom detached dwellings, with highways access to be taken from Front Street to the south.
3. The application is being reported to the committee at the request of Cllr Hart.

PLANNING HISTORY

4. Outline consent for residential development at the site was granted in 2002 and again in 2012.

PLANNING POLICY

NATIONAL POLICY

5. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and

proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

6. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
7. *NPPF Part 4 – Promoting sustainable Transport* This part of the NPPF states that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
8. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
9. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
10. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
11. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

LOCAL PLAN POLICY:

12. The following policies of the Wear Valley Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight:

13. *Policy GD1 General Development Criteria* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
14. *Policy ENV1 Protection of the Countryside* The District Council will seek to protect and enhance the countryside of Wear Valley. Development will be allowed only for the purposes of agriculture, farm diversification, forestry or outdoor recreation or if it is related to existing compatible uses within the countryside as defined in other Local Plan policies.
15. *Policy H3 Distribution of Development* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
16. *Policy H24 Residential Design Criteria* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
17. *Policy T1 General Policy – Highways* All developments which generate additional traffic will be required to fulfil Policy GD1 and i) provide adequate access to the developments; ii) not exceed the capacity of the local road network; and iii) be capable of access by public transport networks.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3403/Wear-Valley-local-plan-saved-policies/pdf/WearValleyLocalPlanSavedPolicies.pdf>

EMERGING PLAN:

Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. *Northumbrian Water:* No objections provided development carried out in accordance with drainage plan which shows foul water connecting to public sewerage system and surface water discharging to a soakaway.
19. *Coal Authority:* No objection, subject to the inclusion of a condition which requires site investigation and provision of any necessary remedial/mitigation works.

20. *Highways Authority*: No objection. The garage doors of plots 6 and 9 shall be a roller shutter type door only. This is conditioned. The existing vehicular access must be stopped up and the estate road must be constructed to meet current highways design standards.

INTERNAL CONSULTEE RESPONSES:

21. *Trees and Landscape*: It should be possible to construct the properties without having a significant impact upon hedgerow to south. Impact on hedgerows to north could be limited through reconfiguration of patio areas. Fences to be driven through hedgerows separating gardens would have some impact on hedgerow to north.

22. *Environmental Health*: No objections.

23. *Ecology*: No objection. Due to the previous use of the site, together with a lack of suitable features, the likely presence and hence impact on protected and priority species and habitats is deemed to be low. It is however recommended that the existing hedgerows be retained in order to retain their likely use by foraging and commuting bats, breeding birds etc.

24. *Contaminated Land*: No objections but a contaminated land assessment will be required by condition.

25. *Planning Policy*: No objection.

26. *Drainage and Coastal protection*: No objection.

PUBLIC RESPONSES:

27. The application has been publicised by way of site notice, and individual notification letters to neighbouring residents. Letters of objection/concern have been received from three addresses. Concern is expressed in relation to overlooking towards windows in the west facing elevation of 2 The Paddock and concerns are also expressed about overlooking to the rear garden area. It is suggested that this situation is exacerbated by the open boarded fences that are required to counter windy conditions in this location. Similar concerns are also expressed by the occupiers of 3 The Paddock, in addition to concerns about loss of property value, loss of views, disturbance during construction, insufficient on-site parking provision, and the suitability of the ground for soakaway drainage.

28. The Local Councilor John Hart has also written to express that while he is broadly supportive of the application, it is felt that the scheme could be reduced by one house and notes the concern of residents living at The Paddocks in relation to the proposed dwellings at plots 8 and 9, as well as other concerns in relation to parking, flood risk and retention of the hedge. Concern is also expressed about work that has been undertaken at the site without the benefit of full planning approval.

APPLICANTS STATEMENT:

29. In support of the application we would highlight that the site had outline planning permission for 9no. dwellings. The approval lapsed in December 2015. The current proposal is virtually identical, other than we are making a full planning

application. The proposal satisfies all planning criteria and highway engineering requirements. The proposal retains and protects the original hedging which the developer sees as an important feature of the site. The development will further enhance the housing offer for Sunnyside /Tow Law area, much as the adjacent Paddock development has done and represents an opportunity for sustainable development without impacting on the open countryside.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file

PLANNING CONSIDERATIONS AND ASSESSMENT

30. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to principle of development, layout, design and amenity, highways impacts and other issues.

Principle of development

31. Outline permission for residential development has been granted on the site previously, the latest being in 2012, however the permission has now expired and therefore the proposal requires reassessment under the current planning policy framework.

32. The NPPF is an important material planning consideration. Section 6 of the NPPF seeks to significantly boost the supply of housing. Local planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside.

33. The Wear Valley District Local Plan remains the relevant development plan for the area, however, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plan policies material weight insofar as they accord with the NPPF.

34. The application site is located just outside of the established settlement boundary identified in the Wear Valley Local Plan. The Development is therefore contrary to Wear Valley Local Plan Policy H3, which seeks to direct development within settlement boundaries.

35. However, policy H3 is a housing policy, which is significantly out of date and there are no other up to date housing policies. Policy H3 cannot therefore be afforded any weight. In these circumstances the NPPF advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

36. The County Durham Settlement study identifies Sunnyside as a Tier 4 settlement. However it also acknowledges that it does form part of a cluster of settlements (Sunnyside, Billy Row, Crook and Stanley Crook) that are inter-reliant on services and facilities. The NPPF recognises that where there are groups of smaller settlements; development in one village may support services in a village nearby. Development of the site would meet these aims while also making a contribution to family housing within the context of an absence of 5 year housing supply.

37. The site is also physically well-contained with adopted highways bounding the north and south, and residential housing directly abutting the east and west boundaries. Although in local plan policy terms the settlement boundary does not encompass this site, it can be argued that in physical terms the western village boundary does not finish until you reach houses 70 & 71 Front Street. The site would be well contained within this physical framework and read as a part of the settlement rather than an intrusion into open countryside. It would not lead to any precedent for future residential expansion of the village into countryside.
38. Taking all the above into account it is considered that the proposal does not represent isolated housing in the countryside and accords in principle with the housing aims of the NPPF.

Layout, design and amenity

39. The dwellings proposed are of an acceptable form of design that would be in keeping with the form, mass and scale of the adjacent dwellings at the Paddocks. Materials can be agreed via condition and it would be more appropriate to build the properties with stonework, which is the prevailing building material and character in Sunnyside. It is considered that a suitable palette of materials can be achieved in the development.
40. It is acknowledged that the density and spacing of properties on this site seeks to maximise the site, resulting in garden depths less than the 10m guidelines in Wear Valley Local Plan Policy H24. The density however would not be out of keeping with adjacent residential development and the size of the plots would still provide sufficient amenity space overall. Residents would also benefit from open countryside views.
41. The site is bounded by a mixed hawthorn, privet, blackthorn and elder hedge to the northern and southern boundaries. This hedge forms an important landscape feature, serving to define the physical boundary of Sunnyside which sits in an elevated position surrounded by open and wide ranging countryside to the west. The hedge is also a valuable biodiversity feature. The hedge must therefore be retained and protected.
42. The applicant has undertaken an arboricultural survey which concludes that subject to appropriate protection of the hedge during the construction of the dwellings, the hedgerows can be maintained at the site. A 1.8mtr close boarded fence that was originally proposed to be on the outside of the hedge to the northern boundary has been removed from the scheme. Conditions are necessary to ensure that the final boundary treatments at the site are appropriate to the site and safeguard the future of the hedge. In this respect conditions are included specifying the protection of the hedge during construction and its retention into the future. Further, permitted development rights are removed for boundary treatment across the development, with the aim of offering further protection to the hedge, while permitted development rights for extensions and hardstanding which could threaten the hedge are removed from plots 2 to 6. The Council's Landscape Section retains some reservations about the impact on the hedge, however it is considered that the suggested conditions would offer sufficient control and protection of the hedge.
43. Concern has been raised regarding issues of amenity by occupiers of 2 and 3 The Paddocks. Both properties are orientated so that their main habitable windows face north and south away from the application site, although both

properties have secondary habitable windows at ground floor level within their west facing elevations which face in the direction of the application site.

44. The rear elevations of Plots 8 and 9 would be set approximately 14mtrs from the side elevation of 2 The Paddocks, while the rear elevation of plot 7 would be placed between 14 and 18mtrs from the side elevation of 3 The Paddocks.
45. While acknowledging this would result in opposing habitable windows below the 21m guideline in Wear Valley Local Plan Policy H24, it is noted that the west facing windows at the Paddocks are secondary windows to the principal windows facing north and south and are at ground floor level where the boundary treatment would help to protect privacy. It is therefore considered that 2 and 3 The Paddock would not suffer a significant detrimental impact in terms of loss of privacy or outlook. The justification for policy H24 states that there is scope for relaxation in the guidelines where the amenities of an area are not considered to be compromised, as is the case here.
46. The proposal is therefore considered to be acceptable in design, layout and amenity terms, subject to conditions controlling materials, enclosures and retention of the boundary hedgerow. There is no significant conflict with the aims of Wear Valley Local Plan Policies H24 and GD1. The proposal also complies with the design considerations of NPPF part 7.

Highways Impacts

47. Policy GD1 relates to highways issues and it requires that safe access to the site and adequate parking should be provided. It also requires that development does not create unacceptable levels of traffic which would exceed the capacity of the local road network.
48. Policy T1 relates to transport and generally echoes the requirements of Policy GD1 but also adds that development should be capable of access by public transport networks.
49. The Highway Authority has no objection. They are satisfied that the local road network is capable of hosting any traffic that could be generated. An appropriate amount of off street parking provision is provided within the scheme. Although public concern surrounding this issue is noted, 8 of the 9 properties include a garage and it would be possible to park at least two cars off street at all properties. A condition requiring that the existing field gates accesses be closed is included. Permitted development rights are removed via condition for porches in the interests of maintaining the intended level of off street parking on the development.
50. On this basis and given the acceptance of the scheme by the highways authority, it is considered that the proposed development would not be prejudicial to highway safety. The proposal does not therefore conflict with Wear Valley Local Plan Policies GD1 and T1, as well as NPPF Part 4.

Other issues

51. Northumbrian Water have offered no objections provided development is carried out in accordance with the submitted drainage plan, which shows foul water connecting to public sewerage system and surface water discharging to a soakaway. The Drainage and Coastal Protection team have considered calculations relating to the proposed soakaway at the site and are satisfied that

this is an appropriate method for the disposal of surface water at the site. The proposal therefore accords with Wear Valley Local Plan Policy GD1.

52. The site falls within the Coal Authority high risk area, having been subject to past mining activity. A coal mining risk assessment has been submitted alongside the application. This identifies that intrusive investigation works are required and that if necessary mitigation be provided to negate risk to the development site from former mining activity. These matters are conditioned.

53. Although the site does not appear to have been developed to any significant level in the past, due to a change to a more sensitive receptor in housing, and past coal mining activity in the vicinity of the site, a contaminated land investigation is recommended and is included as a condition.

CONCLUSION

54. Although the proposal lies outside the current development limits of Sunnyside it does not represent isolated housing in the countryside and is considered to be acceptable in design, layout, amenity, highways and other terms.

55. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the relevant policies of the Wear Valley Local Plan.

RECOMMENDATION

That the application be **approved** subject to the following conditions –

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Highway and Drainage Details received 17th November 2015

Highway Sections”

Proposed House Types 15 75 02”

Proposed Drainage Plan 15 75 04”

Proposed Site Plan 15 75 03 REV D received 28th June 2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF parts 4, 6, 7, 10, 11 and local development plan policies GD1, ENV1, H3, H24 and T1 of the Wear Valley Local Plan.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling and roofing materials and hard landscaping materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.

4. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of each dwelling to which it relates and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.

6. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

- (a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

7. No development shall commence until intrusive investigation works relating to coal mining risk have been undertaken at the site and the results of the investigative work and any necessary scheme of remedial/mitigation works have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved remedial/mitigation scheme and timings.

Reason: To ensure that the site is safe and stable to accommodate the proposed development in accordance with NPPF paragraphs 120-121. The details are required before commencement as they relate to fundamental issues regarding the stability of the site which need addressing at an early stage.

8. Prior to the first habitation of any dwelling the existing field accesses onto the B6299 shall be closed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of Highways Safety and to comply with Policy GD1 of the Wear Valley Local Plan.

9. The garage doors of plots 6 and 9 shall be a roller shutter type door only and shall be retained as such for the lifetime of the development.

Reason: In the interests of Highways Safety and to comply with Policy GD1 of the Teesdale District Local Plan

10. Prior to their installation, details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate and shall be retained for the lifetime of the development.

Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley Local Plan.

11. The boundary hedge that surrounds the site shall be retained for the lifetime of development.

Reason: In the interests of the visual amenity of the area and in accordance with Policy GD1 of the Wear Valley Local Plan.

12. No development shall commence until protection for the boundary hedge that surrounds the site has been erected no less than 1.5m from the centre line of the hedge in accordance with details within the Revised Arboricultural Report 2016. The hedge protection shall be retained throughout the construction period.

Reason: In the interests of the visual amenity of the area and in accordance with Policy GD1 of the Wear Valley Local Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class D (Porches) of Schedule 2 Part 1 and Class A (The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or

other means of enclosure) of Part 2 shall be carried out without the prior written permission of the Local planning authority on an application submitted to it.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and highway safety to comply with Policy GD1 of the Wear Valley Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A (enlargement, improvement or other alteration of a dwellinghouse) and F (hard surfaces incidental to the enjoyment of a dwellinghouse) of Schedule 2, Part 1 shall be carried out within the curtilage of the Plots 2-6 without the prior written permission of the Local planning authority on an application submitted to it.

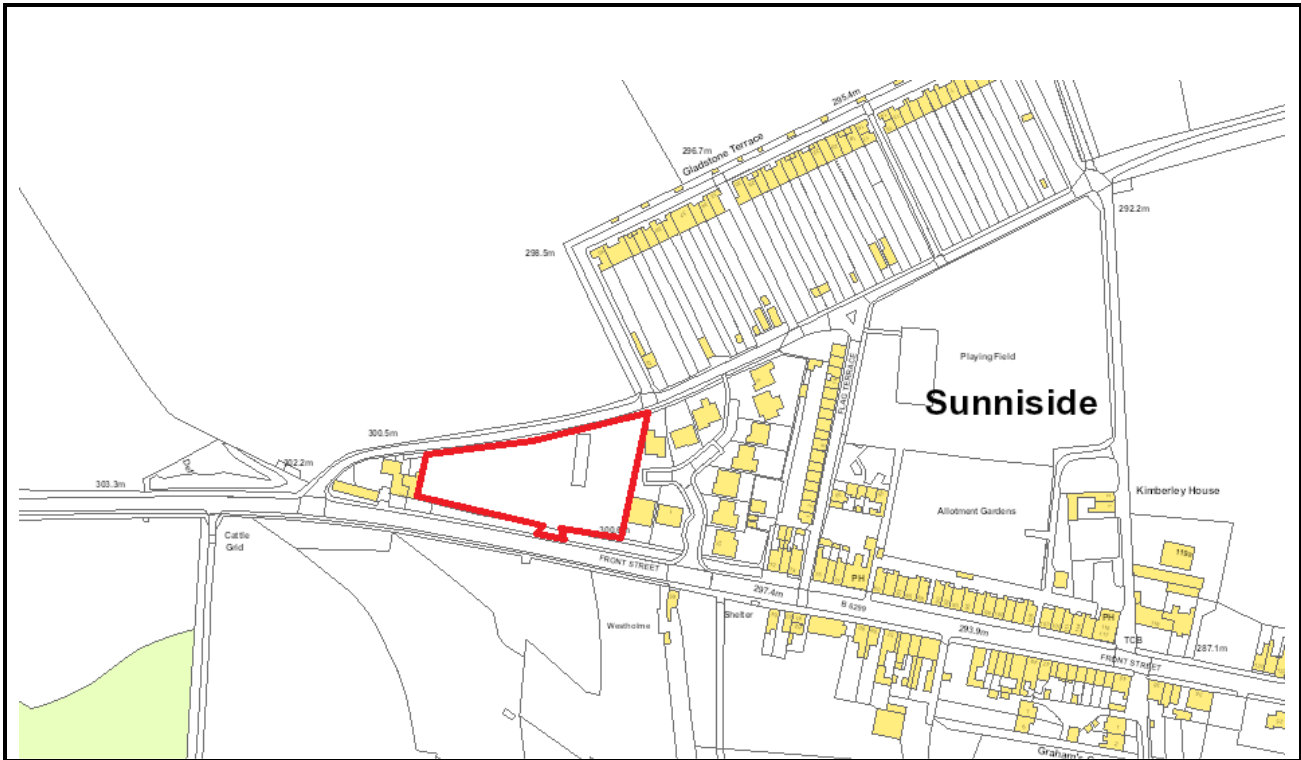
Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policy GD1 of the Wear Valley Local Plan.

15. The Development hereby approved shall be drained using separate foul sewer and surface water drainage systems. Surface water shall be discharged to a sokaway only.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy GD1 of the Wear Valley Local Plan.

BACKGROUND PAPERS

Submitted application form, plans supporting documents provided by the applicant
The National Planning Policy Framework (2012)
National Planning Practice Guidance Notes
Wear Valley Local Plan
All consultation responses received



Sunnyside



Planning Services

Erection of 9 No. detached dwellinghouses

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21st July 2016